

HOUSE BILL 3075
By Lynn

AN ACT to amend Tennessee Code Annotated, Title 2, relative to electronic ballot software programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 9, Part 1, is amended by adding the following as a new, appropriately designated section:

2-9-1__.

(a) Any county election commission responsible for tallying votes on an electronic voting machine shall be required to place an exact copy of the source code for any direct record electronic ballot tally software program in an approved escrow facility prior to such program's use for any election no later than 5:00 p.m. on the seventh day prior to the election. Such source code shall be used only for the purpose of recanvassing a vote, an official recount, court order or for accuracy tests required by the secretary of state.

(b) If a vote count software program is modified or altered after the submission of the copy specified in subsection (a), the county election commission shall deposit the subsequent program in the same manner no later than noon on the day of the election.

(c) The secretary of state may initiate proceedings in the chancery court of Davidson County against any county election commission or election officials who have not complied with the provisions of this section. In such action the secretary of state may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(d) The secretary of state is authorized to promulgate rules and regulations to effectuate the purposes of this act including regulations regarding the definition of source code, specifications for the escrow facility including security procedures for submitting

source codes and criteria for access to source codes. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.